

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

**MICHAEL BUCKNER, MICHAEL
O. MCKOWN, PAUL PICCOLINI, and
CARLO TARLEY, as Trustees of the
UNITED MINE WORKERS OF
AMERICA 1992 BENEFIT PLAN,**

Plaintiffs,

v.

Case No.: 3:21-cv-00374

KEYROCK ENERGY, INC.,

Defendant.

SUPPLEMENTAL JUDGMENT ORDER

Pending is Plaintiffs' Petition for Attorneys' Fees and Proposed Supplemental Judgment Order. (ECF No. 33). The time allotted for Defendant to respond to the petition has expired. (ECF No. 32). Pursuant to 29 U.S.C. § 1132(g)(2)(D), Plaintiffs are entitled to an award of reasonable attorneys' fees and costs in this action. Plaintiffs have submitted a supporting declaration demonstrating that the benefit plan paid Woody Hill, local counsel, \$615.00 for legal services, as well as \$1,218.00 for costs, including the filing fee, bar fee, and courts costs for pro hac vice fees. (ECF No. 33-2). In addition, Paul Stroebel submitted an affidavit indicating that he charged the plan \$325.00 per hour for 7.4 hours of legal services and expended \$900.00 in various related costs. In total, Plaintiffs seek \$5,138.00 in legal fees and costs. The Court finds that, in light of the nature of the litigation, the experience of counsel, and the current billing rates of attorneys in West Virginia, these amounts are reasonable and **GRANTS** the petition.

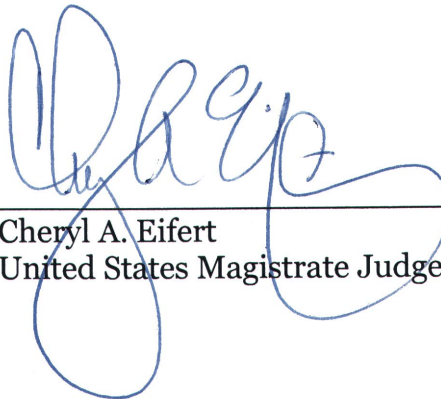
Plaintiffs have also provided the Court with a supplemental declaration providing the amount of additional interest accruing under the plan between August 15 and November 30, 2022, as anticipated by the Judgment Order in this case. (ECF No. 32). The amount of that interest has been calculated to be \$10,408.25, and this amount has not been contested by Defendant.

Therefore, in accordance with the Memorandum Opinion and Order and Judgment Order entered in this case on November 4, 2022, the Court **ORDERS** as follows:

1. An additional Judgment is **ENTERED** in favor of Plaintiffs and against Defendant in the amount of **\$15,546.25**. This judgment is comprised of \$10,408.25 in additional interest accrued through November 30, 2022; \$3,020.00 in attorneys' fees; and \$2,118.00 in Plaintiffs' costs.
2. This civil action is **DISMISSED**, with prejudice, and stricken from the Court's docket.

The Clerk is directed to provide a copy of this Supplemental Judgment Order to counsel of record and any unrepresented party.

ENTERED: December 19, 2022



Cheryl A. Eifert
United States Magistrate Judge